

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

-v-

JUAN FERMIN,

Defendant.

CRIMINAL ACTION NO.: 1:20 Cr. 00148 (JSR)

BAIL MODIFICATION ORDER

SARAH L. CAVE, United States Magistrate Judge.

A bail review hearing was held in this matter, today, April 2, 2020.

On January 22, 2020, Defendant Juan Fermin appeared before the Honorable Gabriel W. Gorenstein for an initial presentment and was released under the following conditions:

- (1) \$50,000 personal recognizance bond co-signed by three financially responsible persons
- (2) Travel restricted to the Southern District of New York and District of New Jersey
- (3) Surrender all travel documents and make no new applications
- (4) Pretrial Services supervision as directed
- (5) Drug testing/treatment as directed
- (6) Home detention enforced by location monitoring
- (7) Seek and maintain verifiable employment or educational program
- (8) Not to possess a firearm, destructive device, or other dangerous weapon
- (9) Defendant to be detained until LM unit conducts home visit to determine suitability
- (10) One co-signer to be secured by 1/24/2020, Defendant to meet remaining conditions by 1/28/2020.

On January 27, 2020, Mr. Fermin was released to Pretrial Services supervision to be supervised by the District of New Jersey. On February 19, 2020, Mr. Fermin was indicted and the case assigned to the Honorable Jed S. Rakoff. On February 24, 2020, Mr. Fermin was arraigned before Judge Rakoff and entered a plea of not guilty.

On March 24, 2020, Pretrial Services provided to Judge Rakoff a memorandum detailing several instances of Mr. Fermin's non-compliance with the conditions of his release, in particular unauthorized departures from his residence and non-responsiveness to Pretrial Services. On March 25, 2020, Judge Rakoff referred the matter to the presiding Magistrate Judge for a bail review hearing. The undersigned scheduled a bail review hearing to occur on April 2, 2020. On April 1, 2020, Pretrial Services provided an updated memorandum detailing several more instances of Mr. Fermin's non-compliance with the conditions of release, including overnight departures from his residence and non-responsiveness to Pretrial Services.

On April 2, 2020, the Court held a telephonic bail hearing, during which Assistant United States Attorney Danielle Kudla, Pretrial Services Officer Bernisa Mejia, and Defendant's counsel, Mark Gombiner, as well as Mr. Fermin, participated. Based on the record before the Court, the arguments of the parties, and the statements of Mr. Fermin, condition of release (6) above is modified as follows:

(6) Mr. Fermin will remain on home detention with electronic monitoring, and is permitted to leave his residence only between 12-1pm and 4-5pm to visit his backyard. He is not permitted to depart the residence at any other time, nor to visit any other location, unless authorized by Pretrial Services. Mr. Fermin is ordered to promptly respond to calls from Pretrial Services.

All other release conditions remain in effect. This modification is without prejudice to the Government renewing its application for home incarceration or detention should it become aware of further instances of non-compliance.

Dated: New York, New York
April 2, 2020

SO ORDERED



SARAH L. CAVE
United States Magistrate Judge